

From: Brian Hochhalter
To: Microsoft ATR
Date: 1/23/02 11:10pm
Subject: Microsoft Settlement

To whom it may concern:

After reviewing the proposed final judgment, I find I do not agree with its provisions to control Microsoft's well documented anticompetitive practices. The PFJ as it now stands does not provide adequate definitions of many terms such as "Microsoft middleware" and "Windows". It also fails to require Microsoft to disclose which of its software patents cover which APIs. In this condition those attempting to create Microsoft-compatible products must work in ignorance as to whether they are infringing upon patents held by Microsoft. It does not address anticompetitive license terms to which users of Microsoft products must subject themselves in order to use Microsoft products. Additionally, while seeking to protect commercial competitors to Microsoft, it provides no provisions for those that create products which are available free of charge (such as Linux and various other open source operating systems and application programs) which compete with Microsoft products.

Many people in the tech industry have examined the current PFJ and find it lacking. A number of them have developed alternatives that deserve consideration. That being the case, I request that the Department of Justice withdraw its consent from the current proposed final judgment before it is accepted by the court. Additionally I request that the Department of Justice and applicable agencies examine the recommendations of computer professionals who have sent comments on the PFJ and build upon those suggestions to develop a judgment that will better protect Microsoft's competitors and the American public from the results of Microsoft's anticompetitive practices.

Thank you for your time

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